

..TITLE

Public hearing request by the Chatham County Board of Commissioners to amend Sections 7.2, 10.5, 10.6, 10.7, 10.8, 15.4, and 15.11 of the Zoning Ordinance to (1) establish standards for off-premise directional signs in the zoned areas of the county for businesses, churches, parks, historic properties, schools, and other places of public assembly and (2) provide a reduction in building setbacks in business zoning districts with permission of the adjoining property owner and when the adjoining property has the same zoning classification.

..ABSTRACT

Action Requested:

See Recommendation

Introduction & Background:

The Board held a public hearing on this item at the January 22nd meeting and the Planning Board discussed the item at their February 5th and March 5th meetings.

Discussion & Analysis:

As discussed with the Board in December, the Off-Premise Sign Ordinance regulates signs in the zoned and unzoned areas of the county; however if there are more restrictive standards in the zoned areas of the county those standards govern. The Off-Premise Sign Ordinance allows for off-premise directional signs and the proposed amendments use the similar standards and total number of signs allowed. Staff included additional standards to clarify that the off-premise directional sign square footage does not count against other allowed signs on a parcel, that written permission from the property is required, and that North Carolina Department of Transportation (NCDOT) must verify the sign does not violate state regulations.

Staff also included additional requirements to setbacks in the four business zoning districts (General Business (Busniess-1), Neighborhood Business (NB), Community Business (CB), and Regional Business (RB)). Presently, in the industrial zoning districts, setbacks can be reduced below the minimum established in the ordinance if the adjoining property is zoned the same as the parcel in question. The proposed amendments have been revised, based on comments from the county attorney, to allow a reduction by right when the adjoining property has a non-residential zoning classification.

Two people spoke during the public hearing with one speaker supporting the sign and setback amendments and the other in support of the sign provisions. Staff also advised the Commissioners, based on comments from the County Attorney, that the setback provisions should be revised to remove the affidavit from the adjoining property owner to an allowance by right. The attached amendments reflect this change and now allow reductions in the side and rear setbacks when the adjoining property has an office &

institutional, business, or industrial zoning classification or its corresponding conditional zoning classification. The off-premise sign amendments have not been modified from the public hearing draft. During the hearing the Board discussed the maximum size sign allowed and information displayed for off-premise directionals.

Staff has also forwarded the proposed sign amendments to the North Carolina Department of Transportation (NCDOT) for any comments regarding conflicts with the Outdoor Advertising Control Act. NCDOT has regulations governing off-premise signs within 660 feet of roads in the Federal aid highway system or National Highway System (primarily interstate and NC and/or US number roads). At the time of the drafting of these notes staff has not received a response from NCDOT. However, there is a provision that verification as to whether a permit is required from NCDOT must be submitted with the permit application to the county.

The Planning Board voted unanimously at their meeting in February to recommend approval of the off-premise directional sign amendments and requested additional information about the setback reductions. Based on those questions planning staff spoke with the Building Inspections Supervisor and confirmed that the North Carolina Building Code allows buildings to be constructed to a property line with the proper fire rating. Staff also spoke with the Fire Marshal and confirmed that a fire apparatus access road/drive that is 20 feet wide must extend to within 150 feet of all portions of a non-residential building. Staff reviewed the landscaping provisions of the Zoning Ordinance and the landscaping width requirements listed in the Landscape Buffer Requirements table are the minimum required. The landscaping buffer applies to the perimeter of a project boundary, but does not apply when the zoning is the same on adjoining properties. The landscaping buffers could require that a non-residential structure be moved to accommodate landscaping when the zoning on the adjacent property is different. Staff also reviewed the off-street parking requirements and confirmed that the required parking spaces for different uses may be combined in one parking lot or structure.

Concern was also expressed about the visual impact to adjoining business properties that had to meet the building setbacks and that were not part of a larger common development plan and whether they would be at a disadvantage if someone used the setback reduction. Staff proposed revised language that would address this concern by limiting the reductions to the interior setbacks for projects developed under a common development plan, such as a shopping center. A new definition for common plan of development is proposed and the revisions to the setbacks are also included in the attachment. The proposed wording requires that the minimum building setback would apply to the perimeter of a common development plan, but allow flexibility internal to the project. The Planning Board voted 8-1 to recommend approval of the revised text amendments for setback reductions.

A plan consistency statement needs to be adopted by the Board of Commissioners for text amendments for off-premise signs and setback reductions in the business zoning districts. The Planning Board recommended by a vote of 7-1-1 to recommend adoption of the following plan consistency statement – The proposed amendments to the Zoning Ordinance are consistent with the adopted Land Conservation and Development Plan. The statement could also include that the Chatham County Land Conservation and Development Plan encourages these amendments by supporting continued development within areas currently zoned commercial or industrial (page 28) and agricultural and home based businesses that meet performance standards (page 28).

Recommendation:

The Planning Board by a vote of 7-1-1 recommends adoption of the following Resolution Approving a Consistency Statement for the Zoning Ordinance text amendments–The proposed amendments to the Zoning Ordinance are consistent with the adopted Land Conservation and Development Plan.

The Planning Board by unanimous vote recommends adoption of an Ordinance amending the Zoning Ordinance to amend the off-premise directional sign provisions as included in the attachment and by a vote of 8-1 adoption of the reduction in business zoning district setbacks as included in the attachment.